

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs, and

STATE OF WASHINGTON,

Plaintiff-Intervenor,

v.

JOSEPH R. BIDEN JR., in his official
capacity as President of the United States, et
al.,

Defendants.

Case No. 2:17-cv-01297-MJP

**JOINT STIPULATION AND ORDER
FOR A STAY**

NOTE ON MOTION CALENDAR:
FEBRUARY 1, 2021

JOINT STIPULATION FOR STAY

Karnoski, et al. v. Biden, et al., No. 2:17-cv-1297 (MJP)

U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch 1100 L Street NW
Washington, DC 20530 Tel: (202) 514-4336

1 Plaintiffs Ryan Karnoski, Staff Sergeant Cathrine Schmid, D.L., Chief Warrant Officer
 2 Lindsey Muller, Petty Officer First Class Terece Lewis, Petty Officer Second Class Phillip
 3 Stephens, Petty Officer Second Class Megan Winters, Jane Doe, Human Rights Campaign,
 4 Gender Justice League, and American Military Partners Association n/k/a Modern Military
 5 Association of America (collectively “Plaintiffs”), Plaintiff-Intervenor State of Washington,
 6 and Defendants Joseph R. Biden Jr., Lloyd J. Austin III, and the United States Department of
 7 Defense (collectively “Defendants,” and together with Plaintiffs and Plaintiff-Intervenor,
 8 “Parties”) hereby stipulate as follows:

9 WHEREAS, on January 25, 2021, President Biden issued an executive order (the “January
 10 25, 2021 Executive Order”) “revok[ing]” “the Presidential Memorandum of March 23, 2018”
 11 and confirming “the Presidential Memorandum of August 25, 2017 (Military Service by
 12 Transgender Individuals) remains revoked.” E.O. No. 14004 §§ 1, 2 (Jan. 25, 2021), ECF No.
 13 667-1. Plaintiffs challenge both of those Memoranda in this case.

14 WHEREAS the January 25, 2021 Executive Order provides that “[t]he Secretary of
 15 Defense, and Secretary of Homeland Security with respect to the Coast Guard, shall, after
 16 consultation with the Joint Chiefs of Staff about how best to implement this policy . . . take all
 17 necessary steps to ensure that all directives, orders, regulations, and policies of their respective
 18 departments are consistent with this order” including “establishing a process by which
 19 transgender service members may transition gender while serving, along with any further steps
 20 that the Secretary of Defense and Secretary of Homeland Security deem appropriate to advance
 21 the policy described in section 1 of this order.” *Id.* § 3(a).

22 WHEREAS the January 25, 2021 Executive Order provides that the Secretary of Defense
 23 and Secretary of Homeland Security “shall (i) immediately prohibit involuntary separations,
 24 discharges, and denials of reenlistment or continuation of service on the basis of gender identity
 25 or under circumstances relating to their gender identity.” *Id.* §§ 3(b)(i), 3(c)(i) .

26 WHEREAS the January 25, 2021 Executive Order provides that “[t]he Secretary of
 27 Defense and the Secretary of Homeland Security shall report to [the President] within 60 days of
 28 the date of this order on their progress in implementing the directives in this order and the policy
 described in section 1 of this order.” *Id.* § 3(d).

1 Accordingly, to allow Defendants time to implement the January 25, 2021 Executive Order
2 and for the Parties to determine thereafter what, if any, proceedings will be necessary in this case
3 after the 60-day period set forth in the January 25, 2021 Executive Order has passed, the Parties
4 hereby stipulate and jointly propose that (a) the case be stayed until April 9, 2021, 14 days after
5 the 60-day period referenced in the January 25, 2021 Executive Order; (b) the current scheduling
6 order and all deadlines therein be vacated; (c) the parties' joint proposed case schedule, Dkt. 665,
7 be denied as moot; and (d) the parties be Ordered to file a Joint Status Report by April 9, 2021
8 setting forth their respective positions regarding what proceedings, if any, will be necessary
9 thereafter in this case.

10
11 SO STIPULATED.

12 February 1, 2021

Respectfully submitted,

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*Counsel for Intervenor-Plaintiff State of
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ORDER

This matter comes before the Court on the Parties' Joint Stipulation for a Stay. After considering the Parties' Joint Stipulation, IT IS HEREBY ORDERED THAT:

1. This case is stayed until April 9, 2021;
2. The current scheduling order in this case, ECF No. 554, and all deadlines therein are vacated;
3. The parties' proposed joint case schedule, ECF No. 655, is denied as moot; and
4. The parties shall file a Joint Status Report by April 9, 2021 setting forth their respective positions regarding what further proceedings, if any, will be necessary in this case.

IT IS SO ORDERED.

Dated this 16th day of February, 2021.



Marsha J. Pechman
United States Senior District Judge

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on February 16, 2021.

/s/ Andrew E. Carmichael

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